

9 FAM 40.41 EXHIBIT I POVERTY INCOME GUIDELINES 2007

(CT:VISA-865; 03-08-2007)

(Office of Origin: CA/VO/L/R)

Poverty guidelines are published annually by the Department of Health and Human Services (HHS). The guidelines are a simplified version of the poverty thresholds used by the Bureau of Census to prepare statistical estimates of the number of persons and families living in poverty. Applicants who can't meet the applicable minimum poverty guideline threshold are ineligible for visa issuance under INA 212(a)(4)(C).

NOTE: The *2007* guidelines should be considered in determinations of whether a Form I-864, Affidavit of Support Under Section 213A of the Act submitted on or after *March 1, 2007* meets the minimum federal poverty guideline threshold. In cases in which the sponsor has filed the Form I-864 prior to *March 1, 2007*, consider the guidelines that were in effect at the time of submission.

ANNUAL GUIDELINES

MINIMUM INCOME REQUIREMENT FOR USE IN COMPLETING THE FORM I-864, Affidavit of Support Under Section 213A of the Act

Use whichever table below reflects the poverty guidelines that were in effect for the 48 contiguous states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam *at the time the Affidavit of Support was submitted*:

2007 HHS Poverty Income Guidelines

			<i>Alaska</i>		<i>Hawaii</i>	
	<i>48</i>		<i>100%</i>		<i>100%</i>	
<i>Size of</i>	<i>Contiguous</i>					
<i>Family</i>	<i>States and</i>					
<i>Unit</i>	<i>D.C.</i>					
	<i>100%</i>	<i>125%</i>		<i>125%</i>		<i>125%</i>

1	\$10,210	\$12,763	\$12,770	\$15,963	\$11,750	\$14,688
2	13,690	17,113	17,120	21,400	15,750	19,688
3	17,170	21,463	21,470	26,838	19,750	24,688
4	20,650	25,813	25,820	32,275	23,750	29,688
5	24,130	30,163	30,170	37,713	27,750	34,688
6	27,610	34,513	34,520	43,150	31,750	39,688
7	31,090	38,863	38,870	48,588	35,750	44,688
8	34,570	43,213	43,220	54,025	39,750	49,688
For each additional person, add,	3,480	4,350	4,350	5,438	4,000	5,000

NOTES: For each additional family member, add \$3,480 (100%) or \$4,350 (125%) for the 48 contiguous States. See chart above for Alaska and Hawaii guidelines.

Refer to the figures in the orange columns (see columns 3, 5, and 7) when processing immigrant visa, (IV) involving Form I-864, Affidavit of Support Under Section 213A of the Act. Refer to the gray columns (see columns 2, 4 and 6) for active members of the U.S. Armed Forces sponsoring spouses and children.

You need to consider the "totality of circumstances" (including the applicant's age, health, and education) and can deny visa issuance under 212 (a)(4)(C) if the applicant appears likely to become public charge despite meeting the poverty guidelines. However, "totality of circumstances" cannot serve as the basis for overcoming Section 212(a)(4) if the poverty guidelines are not met.

2006 HHS Poverty *Income* Guidelines

			Alaska		Hawaii	
	48		100%		100%	
Size of Family Unit	Contiguous States and D.C.					
	100%	125%		125%		125%

1	\$ 9,800	\$12,250	\$12,250	\$15,313	\$11,270	\$14,088
2	13,200	16,500	16,500	20,625	15,180	18,975
3	16,600	20,750	20,750	25,938	19,090	23,863
4	20,000	25,000	25,000	31,250	23,000	28,750
5	23,400	29,250	29,250	36,563	26,910	33,638
6	26,800	33,500	33,500	41,875	30,820	38,525
7	30,200	37,750	37,750	47,188	34,730	43,413
8	33,600	42,000	42,000	52,500	38,640	48,300
For each additional person, add	3,400	4,250	4,250	5,313	3,910	4,888

NOTE: For each additional family member, add \$3,400 (100%) or \$4,250 (125%) for the 48 contiguous States. See chart above for Alaska and Hawaii guidelines.

Refer to the figures in the orange columns (see columns 3, 5, and 7) when processing immigrant visa, (IV) cases involving Form I-864, Affidavit of Support Under Section 213A of the Act. Refer to the gray columns (see columns 2, 4 and 6) for active members of the U.S. Armed Forces sponsoring spouses and children.

2005 HHS Poverty Guidelines

<i>Size of Family Unit</i>	<i>48 Contiguous States and D.C. 100%</i>	<i>125%</i>	<i>Alaska 100%</i>	<i>125%</i>	<i>Hawaii 100%</i>	<i>125%</i>
1	\$ 9,570	\$11,963	\$11,950	\$14,938	\$11,010	\$13,763
2	12,830	16,038	16,030	20,038	14,760	18,450
3	16,090	20,113	20,110	25,138	18,510	23,138
4	19,350	24,188	24,190	30,238	22,260	27,825
5	22,610	28,263	28,270	35,338	26,010	32,513
6	25,870	32,338	32,350	40,438	29,760	37,200

7	29,130	36,413	36,430	45,538	33,510	41,888
8	32,390	40,488	40,510	50,638	37,260	46,575
For each additional person, add	3,260	4,075	4,080	5100	3,750	4,688

NOTE: For each additional family member, add \$3,260 (100%) or \$4,075 (125%) for the 48 contiguous States. See chart above for Alaska and Hawaii guidelines.

Refer to the figures in the orange columns when processing immigrant visa cases involving Form I-864, Affidavit of Support Under Section 213A of the Act. Refer to the gray columns for active members of the U.S. Armed Forces sponsoring spouses and children.

2004 HHS Poverty Income Guidelines

Size of Family Unit	48 Contiguous States and D.C.	125%	Alaska	125%	Hawaii	125%
1	\$ 9,310	\$11,638	\$11,630	\$14,538	\$10,700	\$13,375
2	12,490	15,613	15,610	19,513	14,360	17,950
3	15,670	19,588	19,590	24,488	18,020	22,535
4	18,850	23,563	23,570	29,463	21,680	27,100
5	22,030	27,538	27,550	34,438	25,340	31,675
6	25,210	31,513	31,530	39,413	29,000	36,250
7	28,390	35,488	35,510	44,388	32,660	40,825
8	31,570	39,463	39,490	49,363	36,320	45,400
For each additional person, add	3,180	3,975	3,980	4,975	3,660	4,575

SOURCE: Federal Register, Vol.69, No. 30, February 13, 2004, pp. 7336-7338.

2003 POVERTY INCOME GUIDELINES

MINIMUM INCOME REQUIREMENT FOR USE IN COMPLETING THE FORM I-864

For the 48 contiguous states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam use the table below.

SPONSOR'S HOUSEHOLD POVERTY GUIDELINES

Size	100%	125%
1	\$8,980	\$11,225
2	\$12,120	\$15,150
3	\$15,260	\$19,075
4	\$18,400	\$23,000
5	\$21,540	\$26,925
6	\$24,680	\$30,850
7	\$27,820	\$34,775
8	\$30,960	\$38,700

NOTE: Each family unit with more than 8 members, add \$3,140 (100%) or \$3,925 (125%).

ALASKA

SPONSOR'S HOUSEHOLD POVERTY GUIDELINES

Size	100%	125%
1	\$11,210	\$14,013
2	\$15,140	\$18,925
3	\$19,070	\$23,838
4	\$23,000	\$28,750
5	\$26,930	\$33,663
6	\$30,860	\$38,575
7	\$34,790	\$43,488
8	\$38,720	\$48,400

NOTE: Each family member above the eighth, add \$3,930 (100%) or \$4,913 (125%).

HAWAII
SPONSOR'S HOUSEHOLD POVERTY GUIDELINES

Size	100%	125%
1	\$10,330	\$12,913
2	\$13,940	\$17,425
3	\$17,550	\$21,938
4	\$21,160	\$26,450
5	\$24,770	\$30,963
6	\$28,380	\$35,475
7	\$31,990	\$39,988
8	\$35,600	\$44,500

NOTE: Each family member above the eighth, add \$3, 610 (100%) or \$4,513 (125%).

IMPORTANT NOTICE FOR SPONSORS

Read the following selection before submitting Form I-864, Affidavit of Support Under Section 213A of the Act.

WHO NEEDS FORM I-864, AFFIDAVIT OF SUPPORT UNDER SECTION 213A OF THE ACT?

- Applicants for family-based immigrant visa (IV) categories, including biological and adopted children of U.S. citizens who are not eligible for automatic naturalization upon admission as a legal permanent resident
- Any alien classified IR-2 based on a stepparent-stepchild relationship with a U.S. citizen
- Any alien classified IR-2 who will be age 18 or over upon admission to the United States as a lawful resident
- Any alien classified IR-2 who will not be taking up residence in the United States
- Any alien classified IR-2 who will not be residing with, and in the legal custody of, the U.S. citizen
- Orphans adopted abroad by U.S. citizen (IR-3/IR-4) or
- Applicants for employment-based immigrant visas where a relative

filed the immigrant visa petition or has a five percent or

- Greater ownership interest in the business that filed the petition

Which Applicants For Family-based Immigrant Visas Do Not Need The I-864, Affidavit of Support Under Section 213A Of The Act?

- a. Biological (natural-born, in or out of wedlock) children of U.S. citizens (IR-2 immigrant visa (IV) category) provided the child will be admitted to the United States while under the age of 18 and will reside in the United States with, and in the custody of, the U.S. citizen parent;
- b. Self-petitioning widow or widower and battered spouses and children;
- c. An adopted child classified IR-2 who satisfies the requirement of INA 101(b)(1)(e) with respect to U.S. citizen parent; provided the child will be admitted to the United States while under age 18 and will reside in the United States with, and in the custody of, the adoptive U.S. citizen parent;
- d. Orphans adopted abroad by U.S. citizen (IR-3/IR-4 immigrant visa (IV) category) with a full and final adoption, who will be admitted to the United States while under age 18 and will reside in the United States with, and in the custody of, the adoptive U.S. citizen parent; or
- e. Immigrants who have already worked or can be credited with 40 qualifying quarters of work as defined in Title II of the Social Security Act (SSA).

CHECKLIST FOR PREPARING THE FORM I-864, AFFIDAVIT OF SUPPORT UNDER SECTION 213A OF THE ACT

Documents must be submitted in the following order:

- a. Petitioner's Documents—Form I-864, Affidavit of Support Under Section 213A of the Act. The petitioner in family-based immigrants, or the employment-based immigrants where a relative filed the petition or has ownership interest (5% or more) in the petitioning entity, or a joint sponsor must complete a Form I-864, Affidavit of Support Under Section 213A of the Act.
 - (1) All pages in correct order, 1, 2, 3, 4, 5, 6, 7, and 8 are stapled together.

- (2) Each page filled out completely.
- (3) Part 8 signed by the petitioner (for employment cases, by the relative) (not required to be notarized).
- (4) Photocopy or Internal Revenue Service (IRS) transcript of the most recent federal tax return with all supporting schedules that the sponsor had filed prior to the time of Affidavit of Support (AOS) signing. The return must have all pages in the correct order and must be stapled together.
- (5) If you did not have to file a tax return, attach a written explanation and a copy of the instructions from the IRS publication that shows you were not obligated to file. (For information on most income tax obligations visit the IRS Web site.)
- (6) If assets are needed to meet the minimum income requirement:
 - (a) Evidence of assets with a cash value that equals at least five times the difference between your total household income and the poverty guideline for your household size (see chart below):

Example for a Household of 4:

125% Poverty Guideline	<i>\$30,000 (2007)</i>
Sponsor's Income	<i>\$18,000</i>
Difference	<i>\$12,000</i>
Multiply by 5	<i>X 5</i>
Minimum Required Cash Value of Assets	<i>\$60,000</i>

- (b) Evidence of ownership, location, and the value of each asset;
- (c) Evidence of liens, mortgages, and liabilities for each asset (if any); and
- (d) When required under 9 FAM 40.41 N5.4 a(3), evidence of current employment or self-employment, such as a recent pay statement or a statement from your employer on business stationery, showing beginning date of employment, type of work performed, and salary or wages paid.

b. Joint Sponsor's Documents (if required):

- (1) Form I-864, Affidavit of Support Under Section 213A of the Act: Must be completed by a joint sponsor if the petitioner's income does not meet the 125% income requirement.
- (2) The joint sponsor: Must meet the same qualifications as the petitioner and submit the same documentation as noted in (a) Petitioner's Documents above.

NOTE: The petitioner must also submit a Form I-864, Affidavit of Support Under Section 213A of the Act.

c. Household members whose income and assets are to be considered:

A separate Form I-864-A, Contract Between Sponsor and Household Member must be completed for each household member whose income and assets are to be considered.

- (1) Each page must be filled out completely and stapled together.
- (2) All tax, employment, and asset documents must be assembled in the same manner as the sponsor's (see above) and attached to the correct Form I-864-A Contract Between Sponsor and Household Member.
- (3) Proof of U.S. citizenship or lawful permanent resident (LPR) status.
- (4) *Part 1 Information on the Household Member.*
- (5) *Part 2 "Sponsor's Promise" must be completed by sponsor.*
- (6) *Part 3 "Household Member's Promise" must be completed by the household member.*

d. Documents for the Principal Immigrant and Accompanying Dependents:

- (1) Principal Applicant:
 - (a) Original Form I-864, Affidavit of Support Under Section 213A of the Act and Form I-864-A, Contract Between Sponsor and Household Member (if needed); must be signed (not required to be notarized).
 - (b) The sponsor's most recent Federal income tax return filed prior to the time of Form I-864 signing is needed for each principal immigrant.
- (2) Accompanying Dependents:
 - (a) Each dependent must have a signed (not required to be notarized) Form I-864, Affidavit of Support Under Section 213A of the Act and Form I-864-A, Contract Between Sponsor and Household Member if needed.
 - (b) Copies of the principal's Form I-864, Affidavit of Support

Under Section 213A of the Act and Form I-864-A Contract Between Sponsor and Household Member may be used, (photocopies of signatures and notarizations will be accepted).

- (c) Copies of supporting documents are not required for dependents applying for visas or adjustment of status together with the principal immigrant.